

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------------|---|--------------|
| JEFFREY HESSLER, |) | |
| |) | |
| Petitioner, |) | 8:14CV357 |
| |) | |
| V. |) | |
| |) | |
| MICHAEL L. KENNEY, Director, |) | ORDER |
| Nebraska Department of Corrections, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

This is a death penalty habeas corpus case. To expedite the initial review and progression of this case,

IT IS ORDERED that:

1. On or before December 15, 2014, one lawyer for the petitioner and one lawyer for the respondent shall personally meet and confer regarding the contents of this order.

2. On or before the close of business on January 26, 2015, counsel for both parties shall jointly see to the filing of all state court records on CM/ECF. Counsel shall insure that those records are legible.

3. On or before the close of business on February 27, 2015, counsel for both parties shall jointly file an agreed "Joint Index of State Records," which will include the following:

A. *Pretrial, Trial, and Sentencing*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the pretrial, trial, and sentencing record before the state district court, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

B. *Direct Appeal (including any modification of opinion)*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the record on direct appeal to the Nebraska Supreme Court, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

C. *First Post-Conviction Action*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the record before the state district court regarding the first post-conviction action, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

D. *Appeal of First Post-Conviction Action*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the record before the Nebraska Supreme Court regarding the appeal of the first post-conviction action, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

E. *Second Post-Conviction Action*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the record before the state district court regarding the second post-conviction action, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

F. *Appeal of Second Post-Conviction Action*: The parties shall provide (1) a detailed description of each document submitted to this Court that makes up the record before the Nebraska Supreme Court regarding the appeal of the second post-conviction action, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

G. *Other Proceedings*: If there are any other proceedings not otherwise described above, the parties shall provide (1) a detailed description of each document submitted to this

Court that makes up the record regarding such other proceedings, and for each such document provide (2) a hyperlink to the filing number in this Court's CM/ECF docket and (3) a citation to the CM/ECF header where the document begins.

4. On or before the close of business on March 27, 2015, counsel for Petitioner shall file a "Petitioner's Statement Regarding Location in the Record of Presentment and Resolution of Federal Claims to and by State Courts," which will include the following:

A. Beginning with claim one, a quotation of each claim by reference to the "Summary of Claims" (*see* filing no. [6](#) (paragraph 2)).

B. Following each such quotation, a pin-point citation to each document submitted to this Court where it is asserted that the particular federal claim was presented to the state district court and/or the Nebraska Supreme Court and a pin-point citation to each document where it is asserted that the particular federal claim was resolved by the state district court and/or the Nebraska Supreme Court. The pin-point citation shall include (1) a detailed description of the document; (2) a hyperlink to the filing number in this Court's CM/ECF docket; and (3) a citation to the beginning and end of each document by reference to the CM/ECF header appearing at the beginning and end of the relevant document.

5. Following the submission of the foregoing, I will consult counsel regarding initial review and further progression of this case. Respondent shall not file an answer or file a motion for summary judgment until the issuance of that further progression order.

November 26, 2014.

BY THE COURT:

s/Richard G. Kopf

Senior United States District Judge